

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CREEDON CONTROLS, INC., a Delaware  
corporation,

Plaintiff,

v.

BANC ONE BUILDING CORPORATION, an  
Illinois corporation, and FOREST ELECTRIC  
CORPORATION, a New York corporation,

Defendants.

C.A. NO. 05-CV-300-JJF

AFFIDAVIT

STATE OF DELAWARE :  
 : SS  
COUNTY OF NEW CASTLE :

Scott A. Capaldi being duly sworn, deposes and says:

1. I am over the age of eighteen and understand the meaning and obligations of an oath.

2. I am a former Assistant Vice President at JPMorgan Chase & Co., a successor to Banc One Building Corporation ("BOBC"). I am the same Scott Capaldi whose affidavit dated June 8, 2005 (the "June 8 Affidavit") was filed in this matter on June 13, 2005.

3. I was asked to sign June 8 Affidavit by then counsel for Banc One Building Corporation ("BOBC"). I did not participate in the drafting of the June 8 Affidavit. I was given only a brief opportunity to review the June 8 Affidavit, and was not provided any documents prior to being asked to execute that Affidavit. Although I was employed by BOBC in relation to the Delaware Core Data Centers, I had not been responsible for contracting matters, and I had no independent knowledge of the statements made in the June 8 Affidavit. In executing the June 8 Affidavit, I relied upon the representation of BOBC's then outside counsel

that the facts stated in the affidavit were true and accurate.

4. On March 1, 2006, current counsel for BOBC in this matter allowed me to review certain documents regarding issues underlying this claim. As a result of reviewing those documents, I have concluded that my prior affidavit was in error and should be withdrawn. I have no independent knowledge of the issues underlying this case, specifically the existence, if any, of a contract between BOBC and Creedon Controls, Inc. ("CCI"), or the circumstances surrounding CCI's work on the Banc One Core Data Center II.

Executed this 6 day of March, 2006, at 2:00 pm, Delaware.

  
\_\_\_\_\_  
Scott A. Capaldi

Sworn to before me on this  
6<sup>th</sup> day of March, 2006

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

**CHRISTINE E. TACKETT**  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires May 18, 2007